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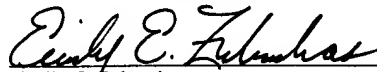
DOCKET NO.: C1039.70035US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No.: 09/669,187
Confirmation No.: 2999
Filed: September 25, 2000
For: IMMUNOSTIMULATORY NUCLEIC ACIDS
Examiner: David J. Blanchard
Art Unit: 1643

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 30th day of June, 2006.


Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:



Maria A. Trevisan, Reg. No.: 48,207
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1039.70035US00
Date: June 30, 2006
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Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
09/316,199	05-21-1999	McCluskie et al.	*C1040.70006US00
09/786,436	09-03-1999	Wagner et al.	C1041.70010US00
10/668,050	09-22-2003	Bratzler et al.	*C1037.70052US00
10/811,226	03-26-2004	Wagner et al.	*C1041.70005US01
11/179,008	07-08-2005	Hartmann et al.	*C1039.70044US02
11/255,100	10-20-2005	Krieg et al.	*C1037.70059US01
11/301,360	12-09-2005	Bratzler et al.	*C1037.70013US02
11/361,313	02-24-2006	Krieg et al.	*C1037.70060US01
11/368,333	03-03-2006	Lipford et al.	*C1041.70037US01
11/368,334	03-03-2006	Krieg et al.	*C1039.70065US01
11/401,093	04-10-2006	Krieg et al.	*C1037.70062US01
11/411,975	04-26-2006	Uhlmann et al.	*C1041.70045US01

*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

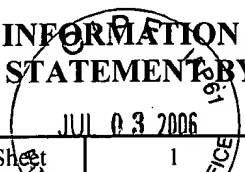
An early and favorable action is hereby requested.

Respectfully submitted,

By: 

Maria A. Trevisan, Reg. No. 48,207
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1039.70035US00
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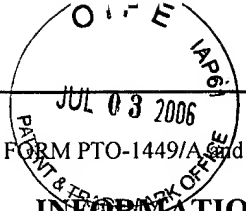
FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT 		APPLICATION NO.: 09/669,187	ATTY. DOCKET NO.: C1039.70035US00
		FILING DATE: September 25, 2000	CONFIRMATION NO.: 2999
		APPLICANT: Krieg et al.	
		GROUP ART UNIT: 1643	EXAMINER: David J. Blanchard
Sheet 1 of 4			

U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A123	6,030,955		Stein et al.	02-29-2000
	A124	6,221,882		Macfarlane	04-24-2001
	A125	6,339,630		Macfarlane	06-04-2002
	A126	6,479,504		Macfarlane et al.	11-12-2002
	A127	6,521,637		Macfarlane	02-18-2003
	A128	6,558,670	B1	Friede et al.	05-06-2003
	A129	6,610,661	B1	Carson et al.	08-26-2003
	A130	6,943,240		Bauer et al.	09-13-2005
	A131	6,949,520		Hartmann et al.	09-27-2005
	A132	7,001,890		Wagner et al.	02-26-2006
	A133	2002-0192184	A1	Carpentier et al.	12-19-2002
	A134	2003-0232856	A1	Macfarlane	12-18-2003
	A135	2004-0047869	A1	Garcon et al.	03-11-2004
	A136	2004-0067902	A9	Bratzler et al.	04-08-2004
	A137	2004-0247662	A1	Dow et al.	12-09-2004
	A138	2005-0004144	A1	Carson et al.	01-06-2005
	A139	2005-0013812	A1	Dow et al.	01-20-2005
	A140	2005-0031638	A1	Dalemans et al.	02-10-2005
	A141	2005-0123523	A1	Krieg et al.	06-09-2005
	A142	2005-0130911	A1	Uhlmann et al.	06-16-2005
	A143	2005-0148537	A1	Krieg et al.	07-07-2005
	A144	2005-0169888	A1	Hartman et al.	08-04-2005
	A145	2005-0171047	A1	Krieg et al.	08-04-2005
	A146	2005-0181422	A1	Bauer et al.	08-18-2005
	A147	2005-0182017	A1	Krieg	08-18-2005
	A148	2005-0197314	A1	Krieg et al.	09-08-2005
	A149	2005-0215500	A1	Krieg et al.	09-29-2005
	A150	2005-0215501	A1	Lipford et al.	09-29-2005
	A151	2005-0233995	A1	Krieg et al.	10-20-2005
	A152	2005-0233999	A1	Krieg et al.	10-20-2005
	A153	2005-0239732	A1	Krieg et al.	10-27-2005
	A154	2005-0239733	A1	Jurk et al.	10-27-2005

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

 <p>FORM PTO-1449/A and B (modified PTO/SB/08)</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p>				APPLICATION NO.: 09/669,187		ATTY. DOCKET NO.: C1039.70035US00		
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Sheet	2	of	4					

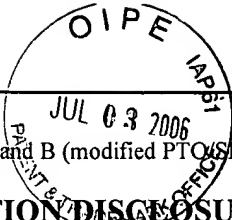
	A155	2005-0239734	A1	Uhlmann et al.	10-27-2005
	A156	2005-0239736	A1	Krieg et al.	10-27-2005
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	A158	2005-0244379	A1	Krieg et al.	11-03-2005
	A159	2005-0244380	A1	Krieg et al.	11-03-2005
	A160	2005-0250726	A1	Krieg et al.	11-10-2005
	A161	2005-0256073	A1	Lipford et al.	11-17-2005
	A162	2005-0267057	A1	Krieg	12-01-2005
	A163	2005-0267064	A1	Krieg et al.	12-01-2005
	A164	2005-0277604	A1	Krieg et al.	12-15-2005
	A165	2005-0277609	A1	Krieg et al.	12-15-2005
	A166	2006-0003955	A1	Krieg et al.	01-05-2006
	A167	2006-0003962	A1	Ahluwalia et al.	01-05-2006
	A168	2006-0019916	A1	Krieg et al.	01-26-2006
	A169	2006-0019923	A1	Davis et al.	01-26-2006
	A170	2006-0058251	A1	Krieg et al.	03-16-2006
	A171	2006-0089326	A1	Krieg et al.	04-27-2006
	A172	2006-0094683	A1	Krieg et al.	05-04-2006

FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B39	WO	99/56755	A1	University of Iowa Research Foundation	11-11-1999	
	B40	WO	00/06588	A1	University of Iowa Research Foundation	02-10-2000	
	B41	WO	00/61151	A2	The Government of the United States of America	10-19-2000	
	B42	WO	01/35991	A2	Dynavax Technologies Corporation	05-25-2001	
	B43	WO	2004/007743	A2	Coley Pharmaceutical GmbH	01-22-2004	
	B44	WO	2004/026888	A2	Coley Pharmaceutical GmbH	04-01-2004	
	B45	WO	2004/094671	A2	Coley Pharmaceutical GmbH	11-04-2004	

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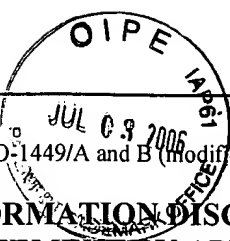
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		GROUP ART UNIT: 1643		EXAMINER: David J. Blanchard	
Sheet	3	of	4		

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C100	BARAL et al., Immunostimulatory CpG oligonucleotides enhance the immune response of anti-idiotypic vaccine that mimics carcinoembryonic antigen. Cancer Immunol Immunother. 2003 May;52(5):317-27.	
	C101	BLAZAR et al., Synthetic unmethylated cytosine-phosphate-guanosine oligodeoxynucleotides are potent stimulators of antileukemia responses in naive and bone marrow transplant recipients. Blood. 2001 Aug 15;98(4):1217-25.	
	C102	DAFTARIAN et al., Two distinct pathways of immuno-modulation improve potency of p53 immunization in rejecting established tumors. Cancer Res. 2004 Aug 1;64(15):5407-14.	
	C103	DAVILA et al., Generation of antitumor immunity by cytotoxic T lymphocyte epitope peptide vaccination, CpG-oligodeoxynucleotide adjuvant, and CTLA-4 blockade. Cancer Res. 2003 Jun 15;63(12):3281-8.	
	C104	GARBI et al., CpG motifs as proinflammatory factors render autochthonous tumors permissive for infiltration and destruction. J Immunol. 2004 May 15;172(10):5861-9.	
	C105	GOUTTEFANGEAS et al., Problem solving for tumor immunotherapy. Nat Biotechnol. 2000 May;18(5):491-2.	
	C106	GROSSMANN et al., Avoiding tolerance against prostatic antigens with subdominant peptide epitopes. J Immunother. 2001 May-Jun;24(3):237-41.	
	C107	HAFNER et al., Antimetastatic effect of CpG DNA mediated by type I IFN. Cancer Res. 2001 Jul 15;61(14):5523-8.	
	C108	HARTMANN et al., CpG DNA: a potent signal for growth, activation, and maturation of human dendritic cells. Proc Natl Acad Sci U S A. 1999 Aug 3;96(16):9305-10.	
	C109	KLINMAN et al., Immunotherapeutic applications of CpG-containing oligodeoxynucleotides. Drug News Perspect. 2000 Jun;13(5):289-96.	
	C110	KLINMAN et al., Immune recognition of foreign DNA: a cure for bioterrorism? Immunity. 1999 Aug;11(2):123-9.	
	C111	KRIEG et al., Applications of immune stimulatory CpG DNA for antigen-specific and antigen-nonspecific cancer immunotherapy. Eur J Canc. 1999 Oct; 35/Suppl4:S10. Abstract #14.	
	C112	KURAMOTO et al., Induction of T-cell-mediated immunity against MethA fibrosarcoma by intratumoral injections of a bacillus Calmette-Guerin nucleic acid fraction. Cancer Immunol Immunother. 1992;34(5):283-8.	
	C113	LIU et al., CpG ODN is an effective adjuvant in immunization with tumor antigen. J Invest Med. 1997 Sept7;45(7):333A.	
	C114	LONSDORF et al., Intratumor CpG-oligodeoxynucleotide injection induces protective antitumor T cell immunity. J Immunol. 2003 Oct 15;171(8):3941-6.	
	C115	MICONNET et al., CpG are efficient adjuvants for specific CTL induction against tumor antigen-derived peptide. J Immunol. 2002 Feb 1;168(3):1212-8.	
	C116	MILAS et al., CpG oligodeoxynucleotide enhances tumor response to radiation. Cancer Res. 2004 Aug 1;64(15):5074-7.	
	C117	PAVLICK et al., Novel therapeutic agents under investigation for malignant melanoma. Expert Opin Investig Drugs. 2003 Sep;12(9):1545-58.	

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Sheet	4	of	4

	C118	REVAZ et al., The importance of mucosal immunity in defense against epithelial cancers. Curr Opin Immunol. 2005 Apr;17(2):175-9.	
	C119	TORTORA et al., Oral antisense that targets protein kinase A cooperates with taxol and inhibits tumor growth, angiogenesis, and growth factor production. Clin Cancer Res. 2000 Jun;6(6):2506-12.	
	C120	VICARI et al., Reversal of tumor-induced dendritic cell paralysis by CpG immunostimulatory oligonucleotide and anti-interleukin 10 receptor antibody. J Exp Med. 2002 Aug 19;196(4):541-9.	
	C121	WAGNER et al., CpG motifs are efficient adjuvants for genetic vaccines to induce antigen-specific protective anti-tumor T cell responses. 2000;203:429. Abstract R46.	
	C122	WANG et al., CpG oligodeoxynucleotides inhibit tumor growth and reverse the immunosuppression caused by the therapy with 5-fluorouracil in murine hepatoma. World J Gastroenterol. 2005 Feb 28;11(8):1220-4.	
	C123	WEINER et al., Immunostimulatory oligodeoxynucleotides containing the CpG motif are effective as immune adjuvants in tumor antigen immunization. Proc Natl Acad Sci U S A. 1997 Sep 30;94(20):10833-7.	

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]

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